

**ZB# 04-65**

**Richard Schultze**

**7-1-13**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 10-25-04*

ZBA # **04-65** RICHARD SCHULTZE  
(AREA) 13 CIMORELLI DR. (7-1-13)



# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695**

## **OFFICE OF THE ZONING BOARD OF APPEALS**

March 15, 2005

Richard & Randee Schultze  
13 Cimorelli Drive  
New Windsor, NY 12553

**SUBJECT: REQUEST FOR VARIANCE #04-65**

Dear Mr. Schultze:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 7-1-13

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**RICHARD SCHULTZE**

**AREA**

CASE #04-65

**WHEREAS, Richard Schultze**, owner(s) of 13 Cimorelli Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 10 ft. Side Yard Setback for proposed pool deck (300-10 bulk table) at 13 Cimorelli Drive in an R-4 Zone (7-1-13)

**WHEREAS**, a public hearing was held on October 25, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were one spectator appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; but, the spectator posed certain questions; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The applicant seeks to replace an existing deck with a slightly expanded new one.
  - (c) During the time the existing deck has been in place, there have been no complaints about it, either formally or informally.

- (d) The deck does not cause the ponding or collection of water or divert the flow of water drainage.
- (e) In constructing the deck, the applicant has not or will not remove any trees or substantial vegetation.
- (f) The proposed deck does not interfere with any easements including, but not limited to, water, sewer or utility easements.
- (g) The deck is not large for the neighborhood.
- (h) The applicant desires the deck to use in conjunction with an existing in-ground pool as a patio.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

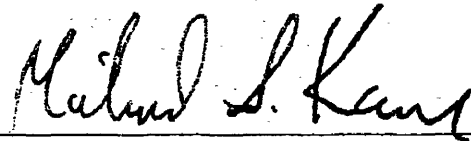
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 10 ft. Side Yard Setback for proposed pool deck (300-10 bulk table) at 13 Cimorelli Drive in an R-4 Zone (7-1-13) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: October 25, 2004

A handwritten signature in black ink, appearing to read "Michael S. Kuntz", is written over a horizontal line.

Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: JANUARY 28, 2005**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 175.00 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-65**

**NAME & ADDRESS:**

**Richard & Randee Schultze  
13 Cimorelli Drive  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**L.R.1-28-2005**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #04-65      TYPE: AREA

APPLICANT Name & Address:

**Richard & Randee Schultze  
13 Cimorelli Drive  
New Windsor, NY 12553**

TELEPHONE:      845-863-1087

RESIDENTIAL:	\$ 50.00	CHECK # <u>1462</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 1463

~~~~~

| <u>DISBURSEMENTS:</u>        |                | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|----------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>7</u> PAGES | \$ <u>38.50</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | ____ PAGES     | \$ _____                               | \$ _____                      |
| PUBLIC HEARING:              | <u>3</u> PAGES | \$ <u>16.50</u>                        | \$ <u>35.00</u>               |
| PUBLIC HEARING:              | ____ PAGES     | \$ _____                               | \$ _____                      |

TOTAL:      \$ 55.00      \$ 70.00

~~~~~

ESCROW POSTED:      \$ 300.00

LESS: DISBURSEMENTS:      \$ 125.00

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 175.00

Cc:



OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

DATE: 8/2/2004

APPLICANT: Richard & Randee Schultze  
13 Cimorelli Drive  
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 7/30/2004

FOR : Richard & Randee Schultze

LOCATED AT: 13 Cimorelli Drive

ZONE: Sec/Blk/ Lot: 7-1-13

**COPY**

DESCRIPTION OF EXISTING SITE: House deck and pool deck for in-ground pool.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10 Table of use/bulk regulations, R-4 zone required side yard is 15', proposed deck will be 5' from property line. A variance of 10' is required.

  
BUILDING INSPECTOR

**PERMITTED**

**PROPOSED OR  
AVAILABLE:**

**VARIANCE  
REQUEST:**

**ZONE: R-4     USE: Deck**

**MIN LOT AREA:**

**MIN LOT WIDTH:**

**REQ'D FRONT YD:**

**REQ'D SIDE YD:     15'**

**5'**

**10'**

**REQ'D TOTAL SIDE TD:**

**REQ'D REAR YD:**

**REQ'D FRONTAGE:**

**MAX BLDG HT:**

**FLOOR AREA RATIO:**

**MIN LIVABLE AREA:**

**DEV COVERAGE:**

**cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP**

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
**IMPORTANT**  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected before construction.

RECEIVED

JUL 30 2004

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 2004-1055

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises RICHARD SCHULTZÉ

Address 13 CIMORELLI DR NEW WINDSOR Phone # 863-1087

Mailing Address SAME Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor THE DECK SHOP

Address 470 HOAGERBURGH RD NALKILL N.Y. 12551 Phone 845-895-2818

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the WEST side of CIMURELLI DR  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 7 Block 1 Lot 13

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy SINGLE FAMILY b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other (DOCK)

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 35 Rear 35 Depth 35 Height 10' No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

**ZONING BOARD**

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \$29,500 Fee \$20-

ck#1432

**PAID**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Richard Schlegel  
(Signature of Applicant)

470 HOBGERBURGH RD WALLKILL N.Y 12589  
(Address of Applicant)

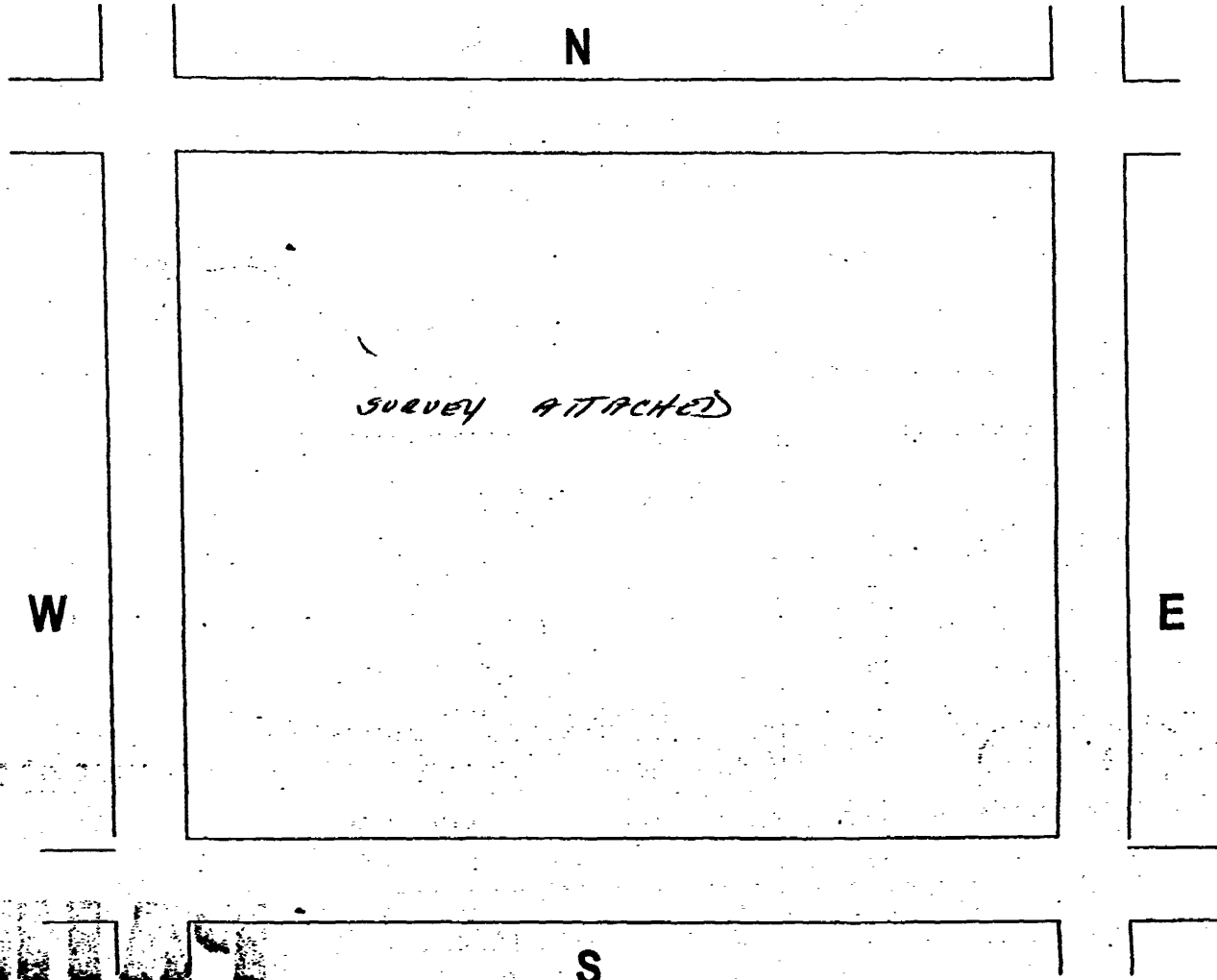
Richard Schlegel  
(Owner's Signature)

13 CINDYELL RD. NEW WINDSOR, NY 12553

PLOT PLAN

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



LANDS N/F  
FERRAIUOLD  
7.1.14

S 41-43-00 W

0.376 ACRES

LANDS N/F  
LINDENAUER  
7.1.12

N 83-11-30 E

HOUSE

CHAIN LINK FENCE

212.97'

IRON PIPE  
FOUL

ROAD PAVEMENT  
OVERLAPS BOUNDARY

0.544

72'

13.9'

OVERHEAD  
ELECTRIC

157.00'

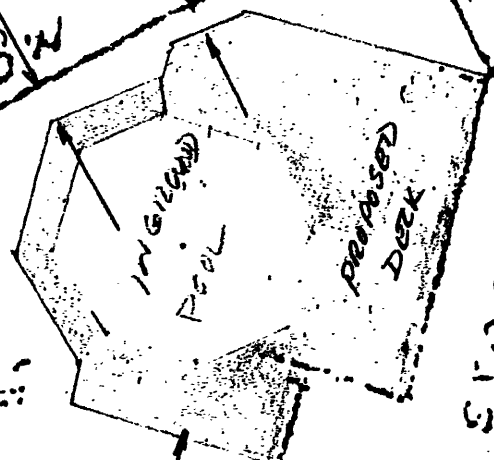
DRIVE

(NON-ADJACENT)

CHINA

114.47'

IMORELLI



2 STORY  
DWELLING

32'

PAVED  
DRIVEWAY

197.42'

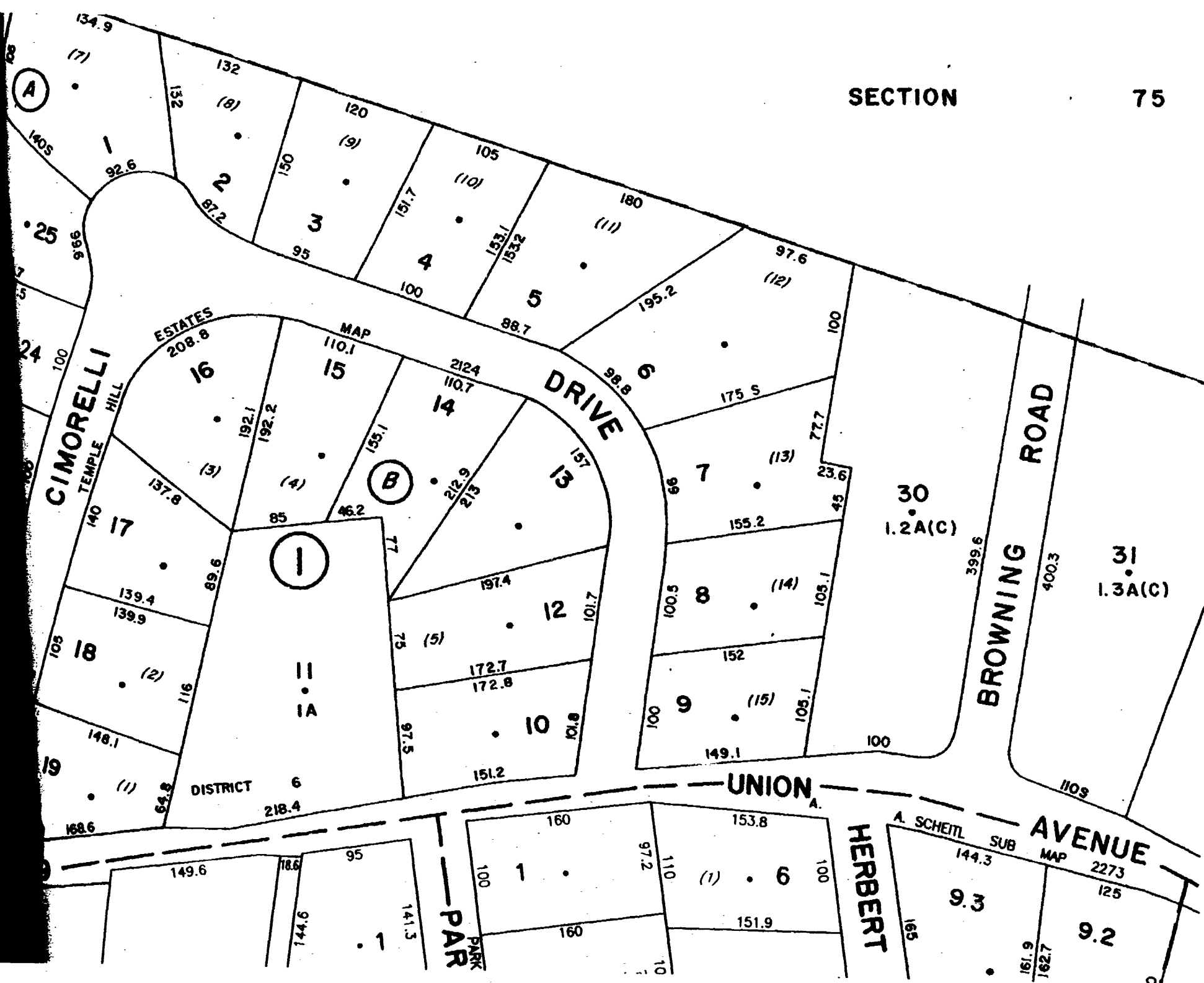
PAVED  
DRIVEWAY

MAILBOX

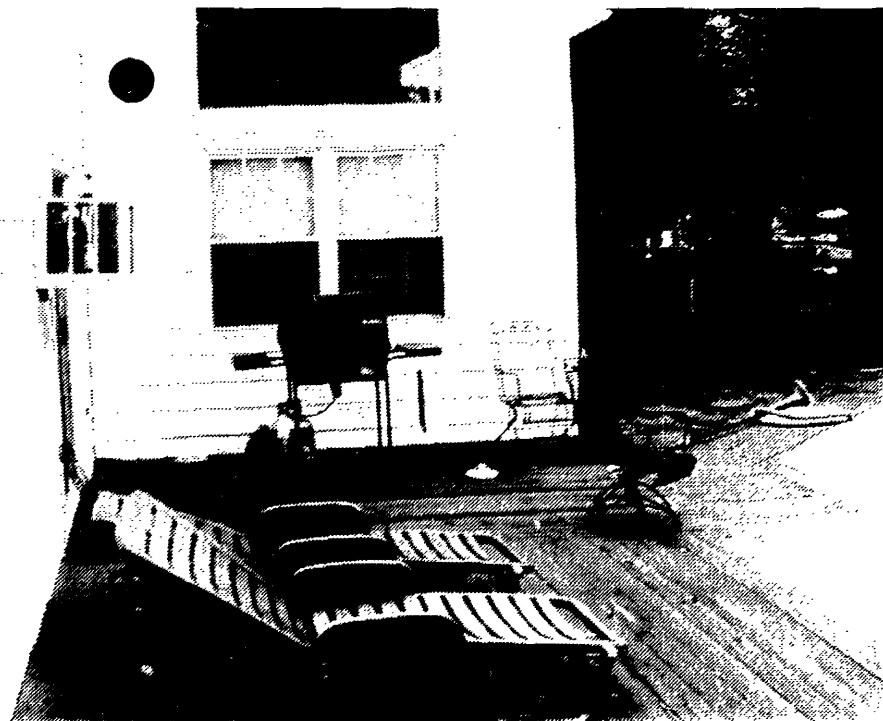
GRASS  
WALK

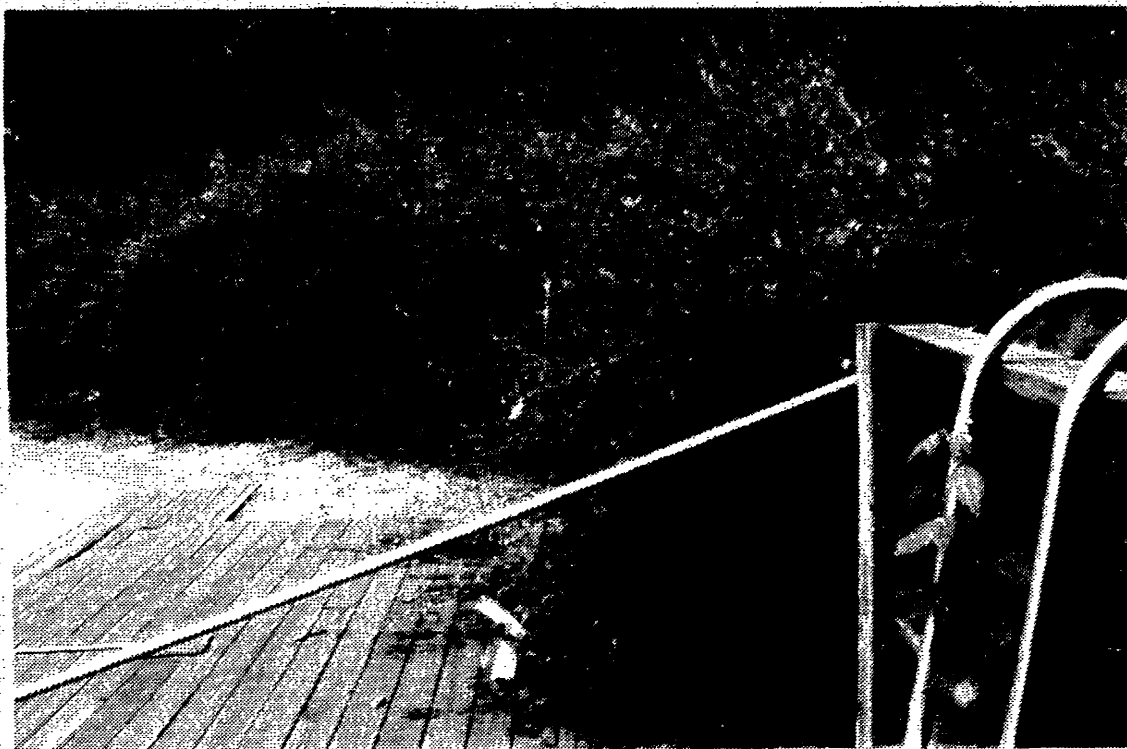
## SECTION

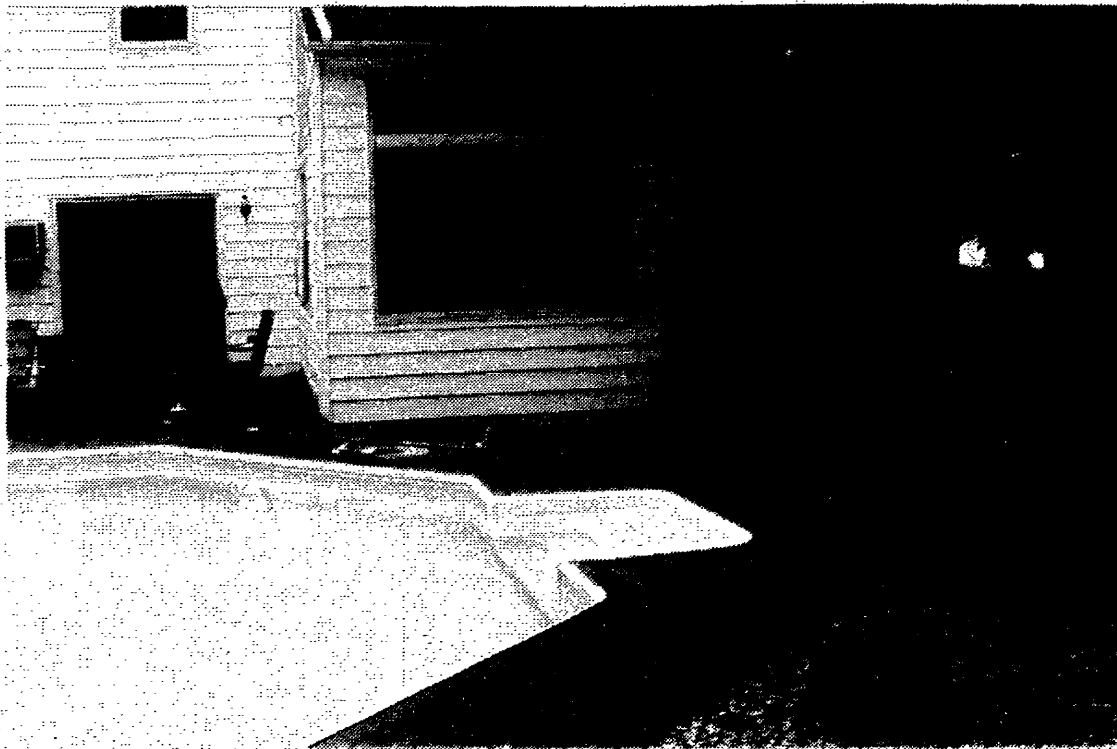
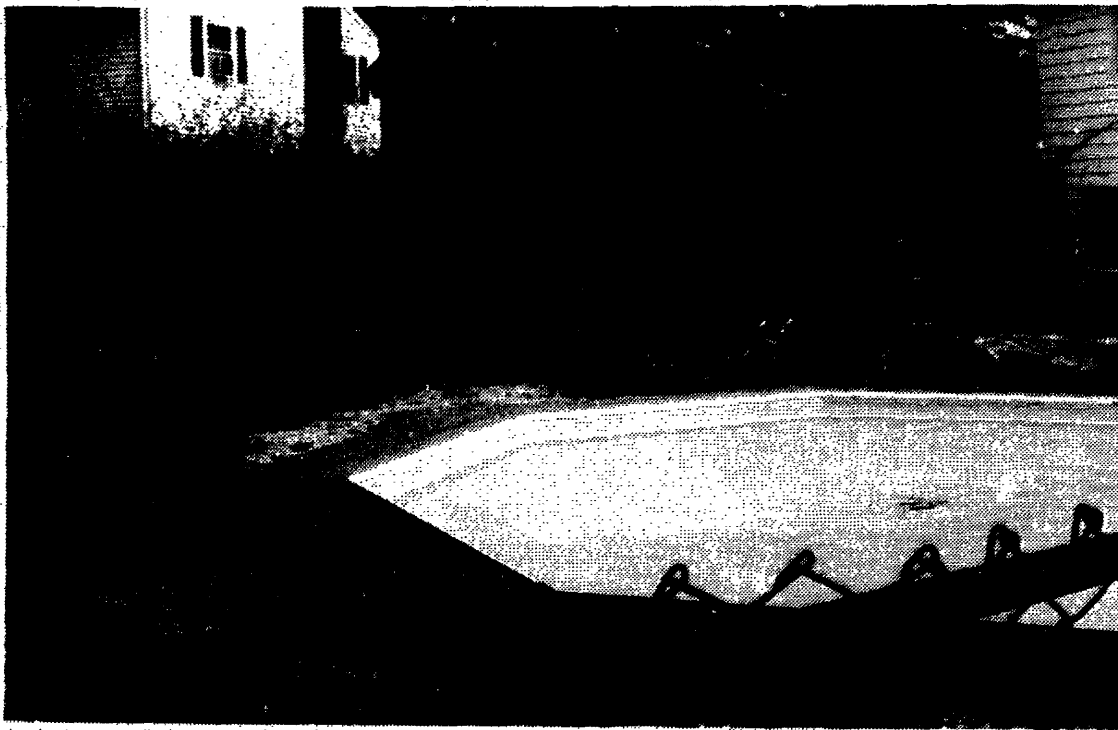
75











TOWN OF NEW WINDSOR ZONING BOARD  
PUBLIC HEARING FOR:

Richard Schultze

DATE: 10/25/04

SIGN-IN SHEET

NAME

ADDRESS

1. Mrs. Gentey 5 Amorelli Dr.
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_



RESULTS OF Z.B.A. MEETING OF: October 25, 1964

PROJECT: Richard Schultze ZBA # 04-65  
P.B.# \_\_\_\_\_



USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_ STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_  
VARIANCE APPROVED: M) MM S) MC VOTE: A 5 N 0.

GANN A  
LOCEY A  
~~RIVERA~~ A  
MC DONALD A CARRIED: Y ✓ N \_\_\_\_\_.  
~~REIS~~ A  
MINUTA A  
KANE A

No larger than other decks

RICHARD SCHULTZE (04-65)

Mr. Richard Schultze appeared before the board for this proposal.

MR. KANE: Request for 10 ft. side yard setback for proposed pool deck at 13 Cimorelli Drive.

MR. KANE: You want to proceed? Similar to the preliminary hearing, tell us what you want to do.

MR. SCHULTZE: I want to replace an existing deck and expand just a slight little bit towards the property line, it's grade level to go around the existing inground pool.

MR. KANE: While we're just to note for the record while we're speaking about a deck, the deck is actually more of a patio directly right on the ground, it's not up in the air at all?

MR. SCHULTZE: No.

MR. KANE: It surrounds your pool?

MR. SCHULTZE: Yes.

MR. KANE: Any complaints about and you're going to bring it out to the side ten feet?

MR. SCHULTZE: Yes, towards the property line.

MR. KANE: And you understand if that was passed you'll still have is to pass all the building department's requirements as far as the deck and gating and fencing for the pool?

MR. SCHULTZE: Yes.

MR. KANE: Going to be creating any water hazards or

runoffs with the building of the deck?

MR. SCHULTZE: No.

MR. KANE: Cutting down any substantial vegetation or trees?

MR. SCHULTZE: No.

MR. KANE: Any easements in where you're going to extend the deck out?

MR. SCHULTZE: No.

MR. KANE: The deck itself although unusual, you wouldn't consider it abnormally big compared to other decks in your neighborhood?

MR. SCHULTZE: No.

MR. KRIEGER: How long has the pool been in existence?

MR. SCHULTZE: Not sure, I bought the house four years ago, it's 20 years I think maybe I'm guessing.

MR. KRIEGER: And it's not surrounded by a fence?

MR. SCHULTZE: Yes, it's got a chain link fence.

MS. GANN: How high is the fence?

MR. SCHULTZE: Five feet.

MR. KANE: At this point, I'll open it up to the public, ask if anybody is here for this particular hearing? If you would like to--

MS. GENTRY: I live at 5 Cimorelli Drive, just come to hear what it was about.

MR. KANE: Do you have any problems with him extending the deck around his pool?

MS. GENTRY: No, nobody is here who lives next to him so I guess we're okay.

MR. KANE: May I have your last name?

MS. GENTRY: Gentry, G-E-N-T-R-Y.

MR. KANE: Thank you very much. And at that point we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On October 5, I mailed out 59 envelopes and had no response.

MR. KANE: Joe, any other questions?

MR. MINUTA: No. Accept a motion?

MR. KANE: Yes.

MR. MINUTA: Make a motion that we grant Richard Schultze his requested 10 ft side yard setback for the proposed pool deck located at 13 Cimorelli Drive in an R-4 zone.

MR. MC DONALD: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. MINUTA	AYE
MR. MC DONALD	AYE
MS. GANN	AYE
MR. KANE	AYE



**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

RICHARD SCHULTZE

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#04-65

----- X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 5TH day of OCTOBER, 2004, I compared the 59 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

5<sup>th</sup> day of October, 2004

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME8050024  
Qualified in Orange County  
Commission Expires 10/30/ 2006

Notary Public

J. J. Mead (Gallagher)

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

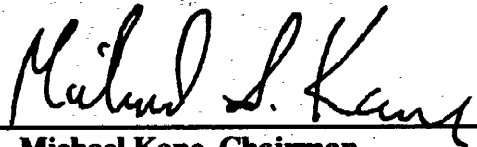
**Appeal No. 04-65**

**Request of RICHARD SCHULTZE**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 10 ft. Side Yard Setback for proposed pool deck (300-10 bulk table) at 13 Cimorelli Drive in an R-4 Zone (7-1-13)**

**PUBLIC HEARING will take place on OCTOBER 25, 2004 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**

  
\_\_\_\_\_  
**Michael Kane, Chairman**



RESULTS OF Z.B.A. MEETING OF: September 13, 2004

PROJECT: Richard Schultz ZBA # 04-65

P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) RS S) MN VOTE: A 4 N 0

GANN \_\_\_\_\_  
LOCEY ☒ \_\_\_\_\_  
~~RIVERA~~ \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS ☒ \_\_\_\_\_  
MINUTA ☒ \_\_\_\_\_  
KANE ☒ \_\_\_\_\_

CARRIED: Y ☒ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MC DONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

No Complaints  
No Hazards  
No Issues  
No Easements



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

October 5, 2004

Richard & Randee Schultze  
13 Cimorelli Drive  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-65

Dear Mr. Schultze:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

13 Cimorelli Drive  
New Windsor, NY

is scheduled for the October 25, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

September 13, 2004

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PRELIMINARY MEETINGS:

RICHARD SCHULTZE (04-65)

MR. KANE: Request for 10 ft. side yard setback for proposed pool deck at 13 Cimorelli Drive in an R-4 zone.

Mr. and Mrs. Richard Schultze appeared before the board for this proposal.

MR. KANE: Starting off on our first and only preliminary meeting tonight is Richard Schultze request for a ten foot side yard setback for proposed pool deck at 13 Cimorelli Drive in an R-4 zone. Just ask you to speak loud enough so this young lady can hear you, okay, and just give us your name and tell us what you want to do.

MR. SCHULTZE: Just replace the existing deck and expanding just a slight little bit.

MR. KANE: The deck was existing?

MR. SCHULTZE: Yes.

MR. KANE: How long approximately?

MR. SCHULTZE: We've lived at the residence for three years, 3 1/2 years and it was there prior to us buying it.

MR. KANE: Anything in the records, Mike?

MR. BABCOCK: All I have is existing, I assume the existing survey.

MR. KANE: Let me ask you a question, this is an inground pool?

September 13, 2004

3

MR. SCHULTZE: Yes.

MR. KANE: It's a wooden deck on the ground around it?

MR. SCHULTZE: Yes.

MR. KANE: Why are they here? Do you have a permit for the pool?

MR. SCHULTZE: When we moved in everything is fine, the pool was in, the deck was in.

MR. KANE: Wouldn't the deck be part of the inground pool as an existing when that permit was done since they didn't do a cement pad?

MR. BABCOCK: You're replacing this deck?

MR. SCHULTZE: Yes, there's a few spots we're going to expand it but for the most part, it's going to be replaced.

MR. KANE: The deck itself, how far off from the property line is the edge of the deck?

MRS. SCHULTZE: One side it's nowhere near the property line and the other side--

MR. SCHULTZE: The other side it's the middle of the yard.

MR. MINUTA: And on the maps looks like five feet from one side yard.

MR. SCHULTZE: That's the proposed, yeah, that's the original proposed, it's probably 15 to 20 feet away right now.

MR. KANE: Okay, all right.

September 13, 2004

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MR. BABCOCK: I don't have the property cards here but apparently, the pool is ten foot from the property line, they do have a permit or a C.O. for the inground pool and a five foot chain link fence. I don't see anything for an existing deck although they're saying--

MR. KANE: This isn't a deck, per se, when they pour cement around the pool, they call this a deck and instead of cement around the pool, they have a wooden platform that's basically right on the ground. Would that be considered the same thing?

MR. BABCOCK: Well--

MR. KANE: We can clean it up and give them the side yard variance which I think is fine as long as they're here, that way, there's no questions in the future. So better in case somebody interprets it differently that you still are, you're not a, you've got a variance for the--

MR. BABCOCK: Well, Mr. Chairman, apparently that's why they're here, I'm not sure when they say, yeah, I have a survey that doesn't show it, the deck around the pool you may have bought it that way, when the people put it in I'm not sure when.

MR. KANE: Usually with an inground that's part of the whole--

MR. BABCOCK: Well, no, Mr. Chairman, in 1988, there was a pool with a fence around it, no deck, just grass, there was a wood deck on the back of the jog of the house and then apparently, somebody built this deck that they want to replace without the benefit of a building permit. How high off the ground is it?

MR. KANE: It's not, Mike, do you see the pictures?

MR. BABCOCK: No, I don't have the pictures.

MR. KANE: Show him this. See what's bewildering me, I haven't seen this in ten years, this is not a deck per se.

MR. BABCOCK: It's, you know, there's no, yeah, there's no real answer for that.

MR. KANE: I haven't seen it in ten plus years.

MR. BABCOCK: Whether the deck is 18 inches off the ground or six inches off the ground, the law requires that it has to be ten foot from the property line.

MR. KANE: So we're still going to clear up the--

MR. BABCOCK: Right.

MR. REIS: Mr. Schultze, it appears from the pictures that we're looking at is that the deck's fairly level with the ground, is there anyplace--

MR. SCHULTZE: It's grade level, the only place that it is right now that it is kind of raised is right here, it's a small--

MR. REIS: Just one step.

MR. SCHULTZE: That's going to be replaced, all going to be one level.

MR. KANE: Okay, since the deck was pre-existing, per se, any complaints formally or informally on that deck by any neighbors?

MR. SCHULTZE: No.

MR. KANE: I know you didn't build it but I have to ask the questions anyway, create any water hazards or runoffs with the building of the deck?



MR. SCHULTZE: No.

MR. KANE: Cut down any trees or substantial vegetation?

MR. SCHULTZE: No.

MR. KANE: Any of the deck cover any type of easement through your back yard?

MR. SCHULTZE: No.

MR. KANE: Two other things since this from what I see on the deck is a direct run to the pool, even if we, the board finds it to approve your request, do you realize you still have to meet all the building department's standards which means that is that gate self-closing and self-latching?

MR. SCHULTZE: Yes.

MR. KANE: What about the slider from your back door?

MR. SCHULTZE: Yes.

MR. KANE: Those are the two most important things.

MR. BABCOCK: Apparently for them to get a C.O. on the pool it has a five foot chain link fence which met the code so apparently at the time of the inspection the gates all worked and everything worked.

MR. KANE: They'll be rechecking all of that so this, just because you get approval here doesn't give you an automatic guarantee.

MR. SCHULTZE: No, if I do a future, probably right after this is done replace the fence, can I just get a fence a permit or new permit altogether for the whole

back yard I'm going to do?

MR. KANE: Technically, the fence that's around the pool has absolutely nothing to do with your yard being fenced in, you know, so if you wanted to do your yard, you still need some kind of a barrier going around that pool, correct?

MR. BABCOCK: Well, if they make the fence actually they got the majority of their back yard fenced in right now, well, that's the way it was prior to your approval, this is what was approved.

MR. SCHULTZE: That's existing fence.

MR. BABCOCK: If you want to extend this fence around this way, you can do that, you need a permit.

MR. SCHULTZE: Can I just, is that a separate permit?

MR. BABCOCK: Yes, separate permit, it's free, just apply for it. We want to look at the fence again cause we want to verify that all the gates are self-latching, self-closing.

MR. SCHULTZE: Yes, that's all I was asking.

MR. MINUTA: Just one further question. The screen door, sliding door in the back and the windows are alarmed?

MR. SCHULTZE: Yes.

MR. MINUTA: Okay.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I'll make a motion we set up Richard

September 13, 2004

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Schultze for his necessary variance for 13 Cimorelli Drive for a ten foot side yard setback.

MR. MINUTA: Second it.

ROLL CALL

MR. MINUTA	AYE
MR. REIS	AYE
MS. LOCEY	AYE
MR. KANE	AYE



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

September 8, 2004

Richard & Randee Schultze  
13 Cimorelli Drive  
New Windsor, NY 12553

Re: 7-1-13 ZBA: 04-65 59

Dear Mr. & Mrs. Schultze:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IA  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

7-1-1

Clifford & Elizabeth Davis  
14 Cimorelli Drive  
New Windsor, NY 12553

7-1-4

Regina & Carl Zamzow, III  
20 Cimorelli Drive  
New Windsor, NY 12553

7-1-7

Richard & Nancy L'Estrange  
26 Cimorelli Drive  
New Windsor, NY 12553

7-1-10

Kim & Gladys Riccio  
17 Cimorelli Drive  
New Windsor, NY 12553

7-1-14

Anthony & Shirley Ferraiulo  
11 Cimorelli Drive  
New Windsor, NY 12553

7-1-17

Hasseltine Beck Gentry  
5 Cimorelli Drive  
New Windsor, NY 12553

7-1-20

Pasquale & Anna Maria Mugnano  
2 Cimorelli Drive  
New Windsor, NY 12553

7-1-23

Charles & Mary Elizabeth Clayton  
8 Cimorelli Drive  
New Windsor, NY 12553

7-1-26

David & Lydia Negron  
308 Nina Street  
New Windsor, NY 12553

7-1-31

Sean DeToro  
5 Oak Street  
Beacon, NY 12508

7-1-2

Deborah Bouley  
Max Bousche  
16 Cimorelli Drive  
New Windsor, NY 12553

7-1-5

Leonard & Karen Paul  
22 Cimorelli Drive  
New Windsor, NY 12553

7-1-8

Emily & Matteo Verzi, Jr.  
28 Cimorelli Drive  
New Windsor, NY 12553

7-1-11

Garin Baker  
478 Union Avenue  
New Windsor, NY 12553

7-1-15

Gina & Robert O'Neill  
9 Cimorelli Drive  
New Windsor, NY 12553

7-1-18

Samuel Leghorn  
Linda Fulton Leghorn  
3 Cimorelli Drive  
New Windsor, NY 12553

7-1-21

Alberto & Anna Rose Laudato  
4 Cimorelli Drive  
New Windsor, NY 12553

7-1-24

George & Marisol Hernandez  
10 Cimorelli Drive  
New Windsor, NY 12553

7-1-27

Chris & Antoinette McLaughlin  
306 Nina Street  
New Windsor, NY 12553

7-1-32

Rosemary Gutheil  
446 Union Avenue  
New Windsor, NY 12553

7-1-3

Daniel & Joyce Dulude  
18 Cimorelli Drive  
New Windsor, NY 12553

7-1-6

Foday & Christina Saccoh  
24 Cimorelli Drive  
New Windsor, NY 12553

7-1-9

Michael & Sharon Marcantonio  
30 Cimorelli Drive  
New Windsor, NY 12553

7-1-12

Harvey & Maxine Lindenauer  
15 Cimorelli Drive  
New Windsor, NY 12553

7-1-16

Barry & Nancy Wilkins  
7 Cimorelli Drive  
New Windsor, NY 12553

7-1-19

Mehmet & Ayse Bagsserver  
1 Cimorelli Drive  
New Windsor, NY 12553

7-1-22

Esteban Castillo  
Luz Lopez Castillo  
6 Cimorelli Drive  
New Windsor, NY 12553

7-1-25

Ronald & Ellen Lander  
12 Cimorelli Drive  
New Windsor, NY 12553

7-1-30

Frank & Sally Clinton  
Foday & Christina Saccoh  
24 Cimorelli Drive  
New Windsor, NY 12553

7-2-1

Wai King & Victor Tom  
1 Park Hill Drive  
New Windsor, NY 12553

7-2-2

Carmen Dubaldi, Jr.  
Louise Dubaldi  
3 Park Hill Drive  
New Windsor, NY 12553

7-2-7

Bartholomew Gaudio  
4 Herbert Hoover Drive  
New Windsor, NY 12553

7-2-9.3

Sixto & Maria Reyes  
1 Herbert Hoover Drive  
New Windsor, NY 12553

7-3-2

Richard & Patricia Pelsue  
4 Park Hill Drive  
New Windsor, NY 12553

73-5-1

Keith & Katherine Gosda  
310 Nina Street  
New Windsor, NY 12553

75-3-2

Victor & Gloria Sanchez  
57 Keats Drive  
New Windsor, NY 12553

75-3-5

Isaac & Eloise Capers  
63 Keats Drive  
New Windsor, NY 12553

75-3-8

Agostinho & Nannette Domingues  
69 Keats Drive  
New Windsor, NY 12553

75-5-3

John & Jacqueline Callanan  
58 Keats Drive  
New Windsor, NY 12553

75-9-8

Catherine Kasprak  
Diane Mounier  
66 Keats Drive  
New Windsor, NY 12553

7-2-3

John & Concetta Guadagno  
5 Park Hill Drive  
New Windsor, NY 12553

7-2-8

Lenin & Anne Muscarello  
6 Herbert Hoover Drive  
New Windsor, NY 12553

7-2-11

John & Hilda Bennett  
3 Herbert Hoover Drive  
New Windsor, NY 12553

7-3-3

Thomas & Candace Tangredi  
6 Park Hill Drive  
New Windsor, NY 12553

75-2-8

Stanley & Halina Zielinski  
53 Keats Drive  
New Windsor, NY 12553

75-3-3

Gary & Karen Stamp  
59 Keats Drive  
New Windsor, NY 12553

75-3-6

Joachin & Rochelle Walters  
65 Keats Drive  
New Windsor, NY 12553

75-3-9

Raymond Hertel  
71 Keats Drive  
New Windsor, NY 12553

75-5-4

Daniel & Susan Twomey  
60 Keats Drive  
New Windsor, NY 12553

75-9-9

Maurice & Theresa Swansson  
76 Keats Drive  
New Windsor, NY 12553

7-2-6

Sandra & William Denny, Jr.  
2 Herbert Hoover Drive  
New Windsor, NY 12553

7-2-9.2

John, Lina & John C Saavedra  
447 Union Avenue  
New Windsor, NY 12553

7-3-1

Joseph Thomas Peragine  
333 E. 55<sup>th</sup> St. – Apt. 10G  
New York, NY 10022

7-3-5.12 & 7-3-6

Eda & William McPhillips  
481 Union Avenue  
New Windsor, NY 12553

75-3-1

Hyon Mi & Tracey Lanthier, Jr.  
55 Keats Drive  
New Windsor, NY 12553

75-3-4

Sava & Anna Totomanides  
61 Keats Drive  
New Windsor, NY 12553

75-3-7

James & Rose Trink  
67 Keats Drive  
New Windsor, NY 12553

75-4-5

Robert & Jennifer Vasta  
300 Stephenson Lane  
New Windsor, NY 12553

75-9-7

Cynthia Volpe  
Mark Tarr  
311 Burroughs Lane  
New Windsor, NY 12553

**Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611**

**RECEIPT  
#922-2004**

09/07/2004

Schultze, Richard

Received \$ 50.00 for Planning Board Fees, on 09/07/2004. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

ZBA # 04-65 application fee

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 08-31-04

FOR: ESCROW 04-65

FROM: Richard Schultze

13 Cimorelli Drive

New Windsor, NY 12553

CHECK NUMBER: 1463

TELEPHONE: 845-863-1087

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

9-1-07

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

September 7, 2004

Richard & Randee Schultze  
13 Cimorelli Drive  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-65

Dear Mr. & Mrs. Schultze:

This letter is to inform you that you have been placed on the September 13, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

13 Cimorelli Drive  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm





# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO**  
**IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

\*

### ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

\*\*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\*\* MUST READ AND SIGN \*\***

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).***

*Richard C. Schulz*  
SIGNATURE

*8-18-04*  
DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

COMPLETE THIS PAGE ☐

**04-65**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

8-18-04

Date

Application Type: Use Variance ☐ Area Variance ☒  
Sign Variance ☐ Interpretation ☐

**I. Owner Information:**

Phone Number: (845) 863-1087

RICHARD C. SCHULTZE

Fax Number: ( )

(Name)

13 CIMORELLI DRIVE NEW WINDSOR, NY 12553

(Address)

**II. Applicant:**

RICHARD C. SCHULTZE

Phone Number: (845) 863-1087

(Name)

Fax Number: ( )

13 CIMORELLI DRIVE NEW WINDSOR, NY 12553

(Address)

**III. Forwarding Address, if any, for return of escrow:**

Phone Number: ( )

Fax Number: ( )

(Name)

(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number (845) 895-2818

Fax Number: (845) 895-2828

DON HASSLER THE DECK SHOP

(Name)

(Address)

**V. Property Information:**

Zone: \_\_\_\_\_ Property Address in Question: 13 CIMORELLI DRIVE

Lot Size: \_\_\_\_\_ Tax Map Number: Section 7 Block 1 Lot 13

a. What other zones lie within 500 feet? \_\_\_\_\_

b. Is pending sale or lease subject to ZBA approval of this Application? NO

c. When was property purchased by present owner? YES

d. Has property been subdivided previously? NO If so, When: \_\_\_\_\_

e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO

f. Is there any outside storage at the property now or is any proposed? NO

**\*\*\*\*PLEASE NOTE:\*\*\*\***

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**04-65**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	15'	5'	10'
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

I AM NOT ADDING TO MUCH MORE THAN ALREADY  
EXISTS. I AM MOSTLY REPLACING DECKING THAT WAS  
ON THE PROPERTY WHEN I PURCHASED MY HOME IN 2000.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

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COMPLETE THIS PAGE ☐

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
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**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT ~~THREE (3)~~ SETS OF THE PHOTOS.) **FOUR (4)**)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

28 day of Aug. 2004

Richard C Schultz  
Owner's Signature (Notarized)

RICHARD C SCHULTZ  
Owner's Name (Please Print)

LINDA FRUSTACI  
Notary Public, State of New York  
No. 4949024  
Qualified in Orange County  
Commission Expires March 27, 2007

Linda Frustaci  
Signature and Stamp of Notary

\_\_\_\_\_  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

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